

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR93
)	
v.)	ORDER
)	
RUDOLPH GEORGE STANKO,)	
)	
Defendants.)	

This matter is before the court on miscellaneous motions filed by the defendant, Rudy Stanko.

Filing Nos. 109 and 110, Petition to file pleadings electronically

Defendant requests that this court allow him to file his communications electronically. In general, pro se litigants are not permitted to file electronically if represented by counsel. However, in this case, defendant has elected to represent himself and to file his own pleadings. He has retained counsel to use at his discretion, but counsel is not permitted at this time to file on behalf of the defendant. Consequently, the court finds that defendant shall be permitted to file electronically in this case. If the defendant elects to file electronically, he must file all his pleadings using the CM/ECF system and may not submit any further paper filings to the court. The defendant is cautioned that he must not abuse this privilege. He must file pleadings and motions that have merit and are not just designed to harass the court or the parties in this lawsuit. Further, all filings must be in compliance with the Nebraska Local Rules and Administrative Procedures. Failure to follow appropriate procedures or abuse of the process will result in fines and other sanctions. Accordingly, Filing Nos.109 and 110 shall be granted.

Filing No. 112, Motion for a continuance

Defendant appears to be asking this court to grant him until December 19, 2005, to respond to the government's responses in Filing Nos. 98 through 102. However, the court has already ruled on defendant's motions and the government's responses. See Filing No. 106. Consequently, the petition for continuance, Filing No. 112, will be denied as moot. The court notes that Mr. Stanko has chosen to represent himself and must comply with the court's deadlines.

Filing Nos. 114 and 116, Petitions to release David Nich and Roger Roots

Defendant's motion is denied as moot with regard to David Nich and Roger Roots, as the court has already scheduled this for hearing on December 28, 2005. Defendant also requests that Michael Allen Chaloupa be permitted to represent him. The court has previously addressed this issue and has determined that Mr. Chaloupa, a lay person, will not be permitted to represent the defendant in this case. Thus, the petitions to release, Filing Nos. 114 and 116, are denied. Defendant is hereby notified by the court that no longer will the court review motions that relate to issues the court has previously ruled on in this case. If defendant continues to file duplicitous motions, pleadings and other requests, the court will impose fines and other sanctions.

Filing Nos. 117 and 118, Petition for a different date/continuance

Defendant asks this court to continue the date for counsels' motions to withdraw in this case. The court has already changed the date to December 28, 2005, at 11:00 a.m. Thus, Filing No. 117 is denied as moot. Further, defendant requests, Filing No. 118, that this hearing be held in North Platte. The court has considered the request and determines

that the hearing shall occur in Omaha and not in North Platte. Therefore, Filing Nos. 117 and 118 are denied.

Filing No. 119, Petition for a telephone hearing and to pay for attendance of Roger Roots

Defendant asks this court to allow a telephone hearing to determine if the current lawyers for the defendant should be permitted to withdraw in this case. However, because this is a significant issue in this case, the court believes it is crucial that the defendant and both attorneys appear in person to determine the most appropriate action to take in this case. Consequently, the hearing on December 28, 2005, at 11:00 a.m. shall be conducted in person in Omaha, Nebraska. Mr. Roots is retained counsel. Consequently, the fees requested by the defendant for Mr. Root to attend this hearing will not be permitted. Filing No. 119 is denied.

THEREFORE, IT IS ORDERED:

1. Filing Nos. 109 and 110 are granted; and
2. Filing Nos. 112, 114, 116, 117, 118 and 119 are denied.

Dated this 15th day of December, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge